IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 8009 of 2007(C)

PETITIONER:

M/S.THANIKKUDAM BAGAWATI MILLS LIMITED,
THANIKUDAM, KURICHIKKARA P.O., THRISSUR-680 028,
REPRESENTED BY ITS MANAGING DIRECTOR,
MR.S.NAGAMANICKKAM.

BY ADV. SRI.DEVAN RAMACHANDRAN
SRI.K.M.ANEESH

RESPONDENTS:

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1. THE SOUTH INDIAN BANK LTD.,
REGIONAL OFFICE, THRISSUR, REPRESENTED BY ITS
CHIEF MANAGER AND AUTHORISED OFFICER.

2. THE CATHOLIC SYRIAN BANK LTD.,
ZONAL OFFICE, THRISSUR, REPRESENTED BY ITS
DEPUTY ZONAL MANAGER & AUTHORISED OFFICER.

BY ADV. SRI.B.S.KRISHNAN SC C.S.BANK
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN
SRI. K. PRABHAKARAN - SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.8009 of 2007

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Dated this the 2nd day of April, 2007

J U D G M E N T

The petitioner challenges the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act initiated by respondents 1 and 2 which are the constituent banks in a consortium which extended loan facility to the petitioner. Both banks are scheduled banks and not Nationalised banks for banks in which the Government has any controlling shares or interest. It is settled law that in respect of matters which do not relate to public function exercised by those banks, no writ will issue. That being so, this writ petition against those banks is not maintainable under Article 226 of the Constitution of India. Accordingly, the writ petition is dismissed.

sdk+ S.SIRI JAGAN, JUDGE